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| ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034 | | | KAO, CHIH CHENG G | |
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| | | | 2882 | |

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,983

Applicant(s)

LAMBERTY ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16" and "17" in Figure 2 have both been used to designate the patient.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: (fig. 4, #92) and (fig. 4, #124).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because of the following informalities, which appear to be minor draft errors including drawing inconsistencies and/or grammatical issues.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (paragraph 30, line 2, “table 27”; replacing “27” with - -17- -).

Appropriate correction is required.

Claim Objections

3. Claims 20, 21, 23, 24, 26, 31, 32, 35, 36, 38, 40, 42, 44, 46, 49, and 50 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 20, lines 2-3, “said second image readout”; replacing “digital scatter” with - -image- - in lines 1-2 of claim 19), (claim 21, line 9, “second x-ray source and the second digital data”; inserting a comma after “source”), (claim 23, line 3, “number or physical”; inserting a comma after “number”), (claim 24, line 3, “patient, and three positions”; inserting - -wherein the at least- - after “and”), (claim 26, line 3, “patient, and three positions”; inserting - -wherein the at least- - after “and”), (claim 31, line 3, “number or physical”; inserting a comma after “number”), (claim 32, line 2, “the step”; replacing “the” with - -a- -), (claim 35, line 1, “the step”; replacing “the” with - -a- -), (claim 35, line 2, “second and

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third”; inserting a comma after “second”), (claim 36, line 1, “the internet”; replacing “internet” with - -Internet- -), (claim 38, line 1, “The method of claim 24”; changing the dependency of claim 38 from claim 24 to claim 29), (claim 40, line 11, “radiating x-rays”; replacing “x-rays” with - -radiation- -), (claim 40, line 12, “said first x-ray source”; replacing “x-ray” with - -radiation- -), (claim 42, line 3, “source or an object shape”; inserting a comma after “source”), (claim 44, line 2, “and the object is”; inserting - -wherein- - after “and”), (claim 44, line 2, “containers or envelopes”; inserting a comma after “containers”), (claim 46, line 3, “and the object”; inserting - -wherein- - after “and”), (claim 49, line 2, “the patient”; replacing “patient” with - -person- -), and (claim 50, line 2, “second and third”; inserting a comma after “second”).

For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 16-20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a host computer being adapted to receive a first scatter signal and a second scatter signal and further being adapted to digitally sample a first scatter signal, does not reasonably provide enablement for a host computer being adapted to receive a first plane scatter

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signal and a second plane scatter signal and further being adapted to digitally sample a first plane scatter signal. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim 16 recites a host computer adapted to receive a first plane scatter signal and a second plane scatter signal, and said host computer further adapted to digitally sample said first plane scatter signal. However, that claimed subject matter is not enabled by the specification. A host computer does not have the capability of receiving a first and second plane scatter signal, since these plane scatter signals are physically x-rays from the x-ray source. Even if a computer received an actual x-ray signal, that radiation would pass through, since there is no transducer (i.e. detector system). Therefore, claim 16 is rejected for enablement issues. Claims 17-20 are rejected for the above reasons by virtue of their dependency.

5. Claims 40-50 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for x-ray sources, does not reasonably provide enablement for other radiation sources such as radio waves. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim 40 recites a radiation source. However, such a radiation source reads on other radiation sources such as a radio wave source, which is not enabled by the specification. The specification does not provide enablement for imaging an internal portion of an object with a

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radio wave source. Therefore, claim 40 is rejected for enablement issues. Claims 41-50 are rejected for the above reasons by virtue of their dependency.

6. Claims 8 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: activating a first scatter correction algorithm and generating a first image display.

Claims 8 and 15 recite activating a second scatter correction algorithm and generating a second image display. However, activating a first scatter correction algorithm and generating a first image display have not been previously recited in each respective claim, intervening claims, or base claim. How can one activate a second scatter correction algorithm and generate a second image display without a first? Therefore, the claims are rejected for omitting essential steps.

7. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a third x-ray flux, a fourth x-ray flux, a third image readout, and a fourth image readout.

Claim 19 recites a fifth x-ray flux and a fifth image readout. However, a third x-ray flux, a fourth x-ray flux, a third image readout, and a fourth image readout have not been previously recited in the claim or the base claim. How can one have a fifth without a third and fourth? Therefore, claim 19 is rejected for omitting essential elements. Claim 20 is rejected for the above reasons by virtue of its dependency.

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8. Claims 27 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 27, claim 27 recites an arc having an infinite radius. However, it is indefinite as to how an arc can have an infinite radius. Therefore, the claim has been rejected for being indefinite.

10. Regarding claim 45, the phrase "may be" in line 45 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The Examiner has examined the claims as best understood as follows.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 21-28 claim an x-ray image data file with nonfunctional descriptive material. Descriptive material that cannot exhibit any functional interrelationship with the way in which

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computing processes are performed does not constitute a statutory process, machine, manufacture, or composition of matter. See MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-6, 8-13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Groh et al. (US Patent 6980626).

13. Regarding claim 1, Groh et al. discloses a method and corresponding system comprising generating a first x-ray flux in a first imaging plane (fig. 1, #4), generating a first image readout (col. 4, lines 13-18), digitally sampling a first scatter signal from said first x-ray flux in a second imaging plane (col. 3, lines 45-55), and generating a first compensation signal for said first scatter signal (col. 4, lines 13-17).

14. Regarding claim 2, Groh et al. further discloses wherein generating a first compensation signal further comprises activating a first scatter image formation algorithm (col. 3, line 65, to col. 4, line 4), generating said first compensation signal (col. 4, line 2), and necessarily storing said first compensation signal in a first scatter correction memory.

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15. Regarding claims 3, 9, 16, and 17, Groh et al. further discloses generating a second x-ray flux in said second imaging plane (fig. 1, #6), generating a second image readout (col. 4, lines 13-18), and compensating for scatter in said second image readout with said first compensation signal (col. 4, lines 7-10).

16. Regarding claims 4, 10, 11, and 18, Groh et al. further discloses generating a third x-ray flux in said first imaging plane (fig. 2, 4 (on)), generating a third image readout (col. 4, lines 5-20), generating a fourth x-ray flux in said second imaging plane (fig. 2, 6 (on)), generating a fourth image readout (col. 4, lines 1-20), digitally sampling a second scatter signal from said fourth x-ray flux in said first imaging plane, and generating a second compensation signal for said second scatter signal (col. 4, lines 10-13).

17. Regarding claims 5, 12, and 19, Groh et al. further discloses generating a second digital scatter readout (col. 4, lines 1-4), generating a fifth x-ray flux in said first imaging plane (fig. 2, 4 (on) and 6 (on)), generating a fifth image readout (col. 4, lines 5-10), and compensating for scatter in said fifth image readout with said second compensation signal (col. 4, lines 10-13).

18. Regarding claims 6, 13, and 20, Groh et al. further discloses activating a first scatter correction algorithm (col. 3, line 65, to col. 4, line 4) in response to said second image readout and said first compensation signal (col. 4, lines 7-10), and generating a first image display from said first scatter correction algorithm (col. 4, lines 16-18).

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19. Regarding claims 8 and 15, Groh et al. further discloses activating a second scatter correction algorithm (col. 4, lines 1-4, or claim 1) in response to said fifth image readout (col. 1, lines 1-20) and said second compensation signal (col. 4, lines 10-13), and generating a second image display from said second scatter correction algorithm (col. 4, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. as applied to claims 6 and 13 above, and further in view of Nonaka (JP 2000-102529).

Groh et al. discloses a method as recited above.

However, Groh et al. fails to disclose periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane.

Nonaka teaches periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane (fig. 2, S_{L1} and S_{F1} , and paragraphs 24 and 25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. with the updating of Nonaka, since

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one would be motivated to make such a modification to obtain a better image (paragraphs 24 and 25) as implied from Nonaka.

21. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Humphrey et al. (US Patent Application Publication 2005/0267351).

22. Regarding claims 29-31 and 33, Groh et al. discloses a method as recited above.

However, Groh et al. fails to disclose generating a digital data representative of a characteristic of an object, a person's name, identification number, or physical condition, and generating a request for payment of money based upon at least said third digital data.

Humphrey et al. teaches generating a digital data representative of a characteristic of an object (paragraph 4), a person's name, identification number, or physical condition (paragraph 47), and generating a request for payment of money based upon at least said third digital data (paragraph 6).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. with the revenue generating of Humphrey et al., since one would be motivated to make such a modification for keeping things better organized and obtaining more money (paragraphs 6 and 8) as implied from Humphrey et al.

23. Regarding claims 32 and 34, Groh et al. as modified above suggests a method as recited above.

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However, Groh et al. fails to disclose exposing a person's chest cavity.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. as modified above with the step of exposing a person's chest cavity, since such a modification would have only involved rearranging parts of an invention, which only involves routine skill in the art. One would be motivated to make such a modification to better see inside that area.

24. Regarding claims 35-37, Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network.

Humphrey et al. teaches a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network (paragraph 37).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. as modified above with the networking of Humphrey et al., since one would be motivated to make such a modification for more easily transferring data to various locations (paragraph 1) as implied from Humphrey et al.

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25. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Humphrey et al. as applied to claim 29 above, and further in view of Filler (US Patent Application Publication 2001/0051881).

Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose storing data in reference to a request for payment and data representative of payments associated with said request for payment.

Filler teaches storing data in reference to a request for payment and data representative of payments associated with said request for payment (paragraphs 3 and 18).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. as modified above with the storing of Filler, since one would be motivated to make such a modification for better management (paragraph 3) as implied from Filler.

26. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Humphrey et al., and Filler as applied to claim 38 above, and further in view of DiRienzo (US Patent Application Publication 2002/0194035).

Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose determining a service charge associated with a request for payment.

DiRienzo teaches determining a service charge associated with a request for payment (paragraph 21).

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It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Groh et al. as modified above with the service charge of DiRienzo, since one would be motivated to make such a modification for better making sure someone pays for administrative costs as well (paragraph 21) as implied from DiRienzo.

27. Claims 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Karellas et al. (US Patent Application Publication 2003/0169847).

28. Regarding claim 40, Groh et al. discloses a system as recited above.

However, Groh et al. fails to disclose digital detectors.

Karellas et al. teaches digital detectors (paragraph 7).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Groh et al. as modified above with the detectors of Karellas et al., since one would be motivated to make such a modification for a more compact system (paragraph 4) as implied from Karellas et al.

29. Regarding claim 43, Groh et al. further discloses a human viewable display for generating an image associated with data (col. 4, lines 16-18).

30. Claims 41, 42, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Karellas et al. as applied to claims 40 and 43 above, and further in view of Motoki (US Patent 6920465).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein a data processor is further configured to store digital data representative of a characteristic of a person, wherein said characteristic is one of a person's name.

Motoki teaches wherein a data processor is further configured to store digital data representative of a characteristic of a person, wherein said characteristic is one of a person's name (col. 5, lines 40-45).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Groh et al. as modified above with the data storing of Motoki, since one would be motivated to make such a modification for easier image identification (fig. 7) as implied from Motoki.

31. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Karellas et al. as applied to claim 43 above, and further in view of Annis et al. (US Patent 6628745).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a conveyor for supporting an object, wherein the object is one of baggage, packages, liquid containers, or envelopes, or wherein the object may be a vehicle.

Annis et al. teaches a conveyor for supporting an object, wherein the object is one of baggage, packages, liquid containers, or envelopes (fig. 9), or wherein the object may be a vehicle (fig. 15).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Groh et al. as modified above with the objects of Annis et al., since one would be motivated to make such a modification for more easily inspecting (figs. 9 and 15) as implied from Annis et al.

32. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., and Motoki as applied to claim 46 above, and further in view of Yonekawa (US Patent 6504897).

33. Regarding claims 47 and 48, Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein a viewable display is configured to further generate alphanumeric or graphical images representative of a characteristic simultaneously with an image, wherein said characteristic is one of a name.

Yonekawa teaches wherein a viewable display (fig. 11) is configured to further generate alphanumeric or graphical images (fig. 11, B) representative of a characteristic simultaneously with an image (fig. 11, C), wherein said characteristic is one of a name (col. 31, lines 51-57).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Groh et al. as modified above with the display

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of Yonekawa, since one would be motivated to make such a modification for easier image identification (col. 31, lines 51-57) as implied from Yonekawa.

34. Regarding claim 49, Groh et al. further discloses a gantry (col. 3, line 12).

35. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., Motoki, and Yonekawa, as applied to claim 49 above, and further in view of Cheung (US Patent 6005911).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a network interface.

Cheung teaches a network interface (col. 11, lines 1-11).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Groh et al. as modified above with the network interface of Cheung, since one would be motivated to make such a modification for more easily transferring data (figs. 12 and 13) as implied from Cheung.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

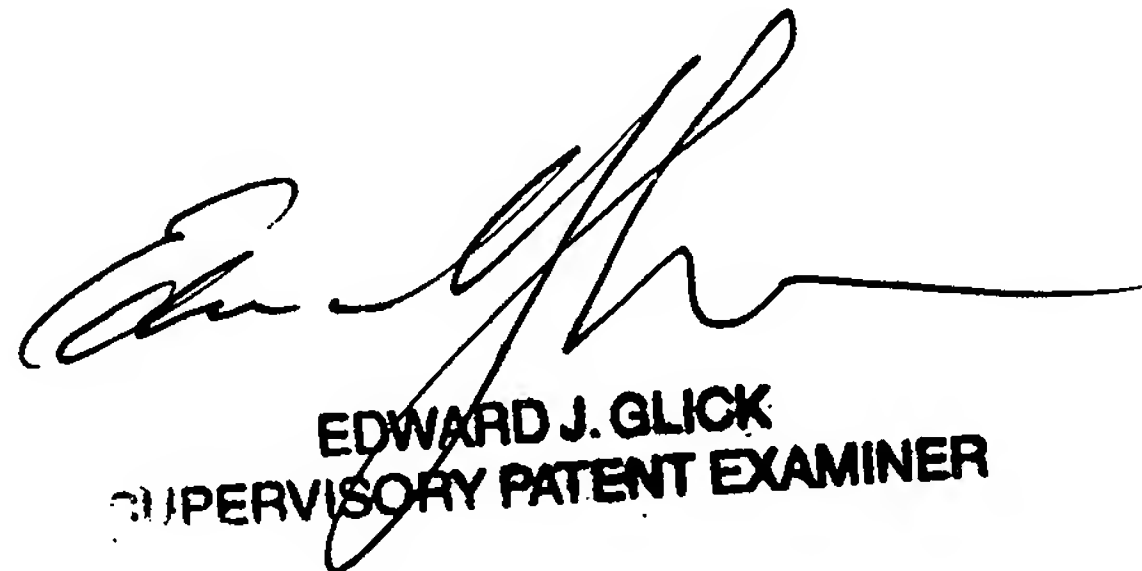
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gk



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER